

# Agenda

## Item #5



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: October 19, 2011

Re: Audit of State Senator Michael D. Thibodeau

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In 2010, State Senator Michael D. Thibodeau ran for re-election as a Maine Clean Election Act (MCEA) candidate. The Commission staff completed the audit of his campaign on October 12, 2011.

The only finding in the audit concerned the log of the candidate's campaign travel, which he kept in 2010 for purposes of seeking reimbursement from his campaign. Under Chapter 3, Section 7(1)(C) of the Commission's rules, if a campaign uses MCEA funds to reimburse a candidate for vehicle travel, the candidate is required to keep a log of his or her travel showing certain information for each campaign trip (date, destination, purpose, number of miles traveled). The record-keeping requirement is intended to reassure Maine taxpayers that MCEA funds will not be paid to candidates for travel that is unrelated to their campaigns. The Commission has published a sample mileage log (containing all the required fields of information) that candidates may use. In 2010, MCEA campaigns could reimburse the candidate or volunteers for up to \$0.44 per mile of travel that was properly documented in a mileage log.

As part of the audit, Sen. Thibodeau's campaign submitted the log of the Senator's campaign travel. The log was requested because the campaign reimbursed the candidate a total of \$816.47 for his vehicle travel. Unfortunately, the log did not include the destination or purpose of the campaign trips, as required by the Commission's rule. Accordingly, the Commission's auditor could not determine the reasonableness of the mileage reimbursement.

The Commission staff recommends that at your October 28 meeting you find that Senator Thibodeau's campaign violated Chapter 3, Section 7(1)(C) and that you assess a penalty of \$100. The Commission assessed a similar penalty against one other candidate earlier this year whose log was insufficient.

*Sen. Thibodeau came to our office to pay the \$100 in person, so he apparently does not wish to contest the violation.*

Thank you for your consideration of this memo.



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

October 19, 2011

Hon. Michael D. Thibodeau  
169 Coles Corner Road  
Winterport, ME 04496

**Notice of Commission Meeting and Recommended Penalty**

Dear Sen. Thibodeau:

Thank you for your cooperation with the audit of your 2010 campaign. This letter is to inform you that the Commission will be meeting on Friday, October 28. At the meeting, the Commission's auditor will be providing an update to the Commissioners on the audits completed to date.

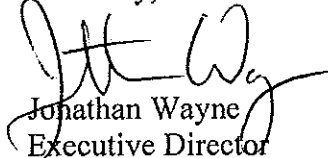
As you know, the only finding in the audit was that the mileage log you maintained in 2010 did not comply with Chapter 3, Section 7(1)(C) of the Commission's rules because it did not contain the destination and purpose of the campaign trips for which the campaign reimbursed you \$816.27. When a candidate's mileage log does not contain the destination or purpose of the campaign travel, the Commission's auditor is unable to determine the reasonableness of the public funds used to reimburse the candidate.

As part of his October 28 presentation, the Commission auditor will recommend that the Commissioners find that the 2010 campaign violated Chapter 3, Section 7(1)(C) and assess a penalty of \$100. He will note for the Commissioners that you have already paid the \$100 penalty.

If you wish to respond any other way to the proposed finding of violation or penalty, you are welcome to attend the meeting or submit anything in writing you would like. The meeting will be at 9:00 a.m. at the Commission's office at 45 Memorial Circle.

Thank you again for your cooperation during the audit. If you have any questions, please call me at 287-4179.

Sincerely,

  
Jonathan Wayne  
Executive Director

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

October 12, 2011  
**Audit Report No. 2010-SEN012**  
Candidate: Michael D. Thibodeau  
Senate District 23

**Background**

Senator Michael D. Thibodeau was a candidate for re-election to the Maine State Senate, District 23, in the 2010 general election. Sen. Thibodeau was certified by the Commission as a Maine Clean Election Act (MCEA) candidate on May 10, 2010. MCEA candidates are required under the Act to submit reports of their contributions received, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

**Audit Scope**

The auditor examined selected contributions made to the campaign, and certain expenditures made during the following reporting periods:

- Seed Money (11/05/2008 through 4/21/2010)
- 11 Day Pre-Primary (4/22/2010 through 5/25/2010)
- 42 Day Post-Primary (5/26/2010 through 7/13/2010)
- 42 Day Pre-General (7/14/2010 through 9/14/2010)
- 11 Day Pre-General (9/15/2010 through 10/19/2010)
- 42 Day Post-General (10/21/2010 through 12/7/2010)

The transactions examined were recorded in the campaign's accounting and banking records. The audit's purpose was to determine if the identified contributions and expenditures (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable third party disbursement documentation; (3) were properly reported to the Commission; and (4) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

**Audit Findings and Recommendations**

**Finding No. 1 – Incomplete mileage reimbursement documentation**

Commission rules permit candidates to reimburse themselves for vehicle travel costs incurred during the course of their campaigns. The reimbursement rate is \$.44 per mile, and reimbursement claims must be supported by a mileage log that records the number of miles traveled, the origin and destination of the travel, and which states the campaign purpose of the travel.

The Thibodeau Campaign reported a travel reimbursement on December 6, 2010 of \$593.47 to Sen. Thibodeau. Mileage logs provided by the candidate did not indicate origin and destination of travel or any description of purpose for the reimbursed travel. Accordingly, the auditor could not determine the reasonableness of the mileage claims reimbursed by the campaign.

Standard – Commission Rules, Chapter Three, Section 7(1) (C) state that “A candidate or treasurer must obtain and keep a record of vehicle travel expenses for which reimbursements are made from campaign funds. Reimbursement must be based on the standard mileage rate prescribed for employees of the State of Maine for the year in which the election occurs. For each trip for which reimbursement is made, a record must be maintained showing the dates of travel, the number of miles traveled, the origination, destination and purpose of the travel, and the total amount claimed for reimbursement (emphasis added). A candidate may be reimbursed for vehicle travel expenses at a rate less than the standard mileage rate.”

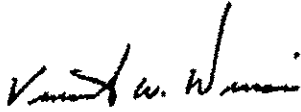
Recommendations - the Commission staff recommends that the Commission:

- find that Michael Thibodeau violated Chapter 3, Section 7(1)(C) by not keeping complete records of vehicle travel that stated the origination, destination, and purpose of campaign travel that was reimbursed with MCEA funds; and
- assess a penalty of \$100 for the violation under 21-A M.R.S.A. § 1127(1);

Candidate's Comments on the Finding and Recommendation contained in the Report

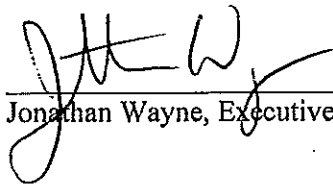
Senator Thibodeau remitted \$100 to the Commission in payment of the recommended penalty. The Senator had no other comments on the report.

Respectfully submitted,



Vincent W. Dinan, Auditor

Approved:



Jonathan Wayne, Executive Director

Mike  
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Mileage

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Maine Ethics Commission

Date	Mileage	Per Mile	Total
7/5/2010	63	0.44	27.72
7/6/2010	40	0.44	17.6
7/7/2010	25	0.44	11
7/8/2010	97	0.44	42.68
7/9/2010	75	0.44	33
7/12/2010	110	0.44	48.4
7/13/2010	45	0.44	19.8
7/14/2010	88	0.44	38.72
7/15/2010	25	0.44	11
7/16/2010	90	0.44	39.6
7/19/2010	118	0.44	51.92
7/20/2010	100	0.44	44
7/21/2010	85	0.44	37.4
7/22/2010	60	0.44	26.4
7/23/2010	45	0.44	19.8
7/26/2010	28	0.44	12.32
7/27/2010	40	0.44	17.6
7/28/2010	49	0.44	21.56
7/29/2010	20	0.44	8.8
8/2/2010	116	0.44	51.04
8/3/2010	100	0.44	44
8/4/2010	95	0.44	41.8
8/5/2010	78	0.44	34.32
8/6/2010	90	0.44	39.6
8/9/2010	34	0.44	14.96
8/10/2010	57	0.44	25.08
8/11/2010	63	0.44	27.72
8/12/2010	46	0.44	20.24
8/13/2010	51	0.44	22.44
8/16/2010	89	0.44	39.16
8/17/2010	33	0.44	14.52
8/18/2010	116	0.44	51.04
8/20/2010	99	0.44	43.56
8/23/2010	38	0.44	16.72
8/24/2010	46	0.44	20.24
8/24/2010	44	0.44	19.36
8/25/2010	53	0.44	23.32
8/26/2010	47	0.44	20.68
8/27/2010	94	0.44	41.36
8/30/2010	88	0.44	38.72
8/31/2010	75	0.44	33
9/3/2010	82	0.44	36.08
9/7/2010	121	0.44	53.24
9/8/201	111	0.44	48.84
9/9/2010	84	0.44	36.96
9/10/2010	61	0.44	26.84
9/13/2010	56	0.44	24.64
9/14/2010	43	0.44	18.92
9/15/2010	31	0.44	13.64
9/16/2010	28	0.44	12.32
9/17/2010	77	0.44	33.88
9/20/2010	54	0.44	23.76
9/21/2010	39	0.44	17.16
9/22/2010	43	0.44	18.92
9/23/2010	68	0.44	29.92
9/24/2010	63	0.44	27.72
9/27/2010	75	0.44	33
9/28/2010	41	0.44	18.04
9/29/2010	82	0.44	36.08

reimbursed  
\$ 593.47  
CK# 126  
12/06/10  
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02/09/11

9/30/2010	65	0.44	28.6
10/1/2010	27	0.44	11.88
10/4/2010	95	0.44	41.8
10/5/2010	74	0.44	32.56
10/6/2010	123	0.44	54.12
10/7/2010	69	0.44	30.36
10/8/2010	52	0.44	22.88
10/11/2010	143	0.44	62.92
10/12/2010	77	0.44	33.88
10/13/2010	50	0.44	22
10/14/2010	66	0.44	29.04
10/15/2010	89	0.44	39.16
10/16/2010	45	0.44	19.8
10/18/2010	112	0.44	49.28
10/19/2010	94	0.44	41.36
10/20/2010	79	0.44	34.76
10/21/2010	46	0.44	20.24
10/22/2010	44	0.44	19.36
10/23/2010	55	0.44	24.2
10/25/2010	70	0.44	30.8
10/26/2010	46	0.44	20.24
10/27/2010	60	0.44	26.4
Total	5495	0.44	2417.8